

June 17, 2002

VIA HAND DELIVERY

Ms. Dorothy Attwood, Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554



RE: Obligations of the Administrative Council for Terminal Attachments (ACTA)
and the FCC Following the Privatization of Certain Part 68 Duties



Dear Ms. Attwood:

The Administrative Council for Terminal Attachments (ACTA) and its sponsors are writing you to provide initial notification of their concerns regarding a very serious situation.

ACTA is concerned that the dramatic downturn in the number of Telephone Terminal Equipment (TTE) filings made to ACTA may affect its ability to continue its function of overseeing industry control of the technical requirements for TTE.

In FCC 00-400, "REPORT AND ORDER In the Matter of: 2000 Biennial Regulatory Review of Part 68 of the Commission's Rules and Regulations - CC Docket No. 99-216", the FCC established the ACTA and gave it three main duties:

1. Publish technical criteria for telephone terminal equipment connected to the public network,
2. Define a labeling system for use on TTE, and
3. Maintain a publicly accessible database of approved TTE.

The FCC retained to itself issues related to:

1. Enforcement of Part 68,
2. Inside wiring, and
3. The needs of persons with disabilities.

The FCC also provides an oversight mechanism on the activities of ACTA and Standards Development Organizations (SDOs) submitting technical criteria for consideration by ACTA.

ACTA responded to its duties by publishing TIA/EIA/IS-968, the telecommunications industry's version of the technical requirements for TTE that were formerly in 47 CFR Part 68, publishing technical requirements for the former streamlined waiver process for Asymmetric Digital Subscriber Line (ADSL) technology and stutter dial-tone detection, publishing labeling requirements for TTE in Telecommunications Systems Bulletin (TSB) TSB-168, and setting up a database of approved TTE that is accessible at <http://www.part68.org>. Additionally, ACTA has established consumer instruction requirements, and it has adopted technical criteria for other DSL technologies by publishing ATIS T1.TRQ.6-2001.

Unfortunately, the ACTA has noted a dramatic reduction in the number of TTE products submitted for inclusion in the database since July of 2001 compared to the number submitted to Telecommunications Certification Bodies (TCBs) and the FCC for an equivalent time period prior to July 2001. This dramatic reduction raises concern that TTE responsible parties are either unaware that TTE must be listed in the ACTA database, believe TTE no longer requires equipment approval, or simply must be designed to comply with ACTA-adopted and also FCC-maintained technical criteria for TTE.

The precipitous drop in terminal equipment approval filings also presents a funding challenge to ACTA, which modeled its funding and budgets on the prior much higher approval volumes. ACTA has already raised the price of a equipment database listing above the prior FCC level in an effort to compensate for the drop in submissions, but this has not been sufficient.

We also note that equipment approval volumes in programs still maintained by the FCC do not appear to have this same dramatic drop, thus, indicating possible causes other than current economic conditions in the industry.

We, therefore, urgently request the aid of the FCC in:

1. Informing responsible parties of their duties regarding compliance with technical criteria, equipment approval, and listing the equipment in the ACTA database;
2. Increased enforcement activities to monitor compliance to the FCC's Part 68 program (possibly in cooperation with US Customs), and
3. Considering funding alternatives, as ACTA explores restructuring and other cost-reduction options.

In conjunction with this letter, we will be contacting the FCC to request a formal meeting during which a delegation of the ACTA and its sponsors, ATIS and TIA, can provide full details of our concerns and requests.

If there are any questions in the meantime, please contact Tim Jeffries, ATIS Director of ACTA, at +1.202.662.8669.

Sincerely,

Jimmy Salinas
ACTA Chair

Susan Miller
President & CEO, ATIS

Matthew Flanigan
President, TIA

cc: Diane Griffin, Assistant Bureau Chief, WCB (dgriffin@fcc.gov)
Peyton Wynnns, Division Chief, IATD, WCB (pwynns@fcc.gov)
Cathy Zima, Acting Deputy Division Chief, IATD, WCB (czima@fcc.gov)
ACTA Segment Representatives